

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By Chairman Ray Hawk, on January 26, 2007 at 9:00 P.M., in Room 317a Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ray Hawk, Chairman (R)  
Sen. Steven Gallus, Vice Chairman (D)  
Sen. Keith Bales (R)  
Rep. Bill Beck (R)  
Rep. Cynthia Hiner (D)  
Sen. Trudi Schmidt (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Katie Butcher, Committee Secretary  
Pat Gervais, Legislative Branch  
Pam Joehler, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action: DP 105, DP 303  
Approval of the rates  
Approval of the increased rates  
DP 215, DP 201, DP 203, DP 204  
DP 206, DP 207, DP 202, DP 302  
Exemption from vacancy savings

**Meeting with the Department of Corrections**

00:00:02 Chairman Hawk  
00:00:50 Pat Gervais  
00:01:28 Chairman Hawk  
00:01:35 Pat Gervais  
00:01:52 Chairman Hawk  
00:02:00 Rep. Hiner  
00:02:08 Pat Gervais  
00:02:22 Rep. Hiner  
00:03:06 Chairman Hawk  
00:03:16 Rep. Beck  
00:03:22 Pat Gervais  
00:03:46 Chairman Hawk  
00:04:40 Pat Gervais  
00:05:01 Sen. Schmidt  
00:05:09 Pat Gervais  
00:05:21 Chairman Hawk  
00:05:48 Pat Gervais  
00:06:46 Chairman Hawk  
00:06:49 Pat Gervais  
00:08:04 Brent Doig, OBPP  
00:08:58 Pat Gervais

**EXECUTIVE ACTION ON DP 105**

00:09:21 **Motion:** Rep. Hiner moved that DP 105 BE ADOPTED.

**Discussion:**

00:09:43 Pat Gervais

00:09:57 **Vote:** Motion carried unanimously by voice vote.

**Discussion:**

00:10:43 Chairman Hawk  
00:11:46 Brent Doig, OBPP  
00:12:18 Chairman Hawk

**EXECUTIVE ACTION ON DP 303**

00:12:51 **Motion:** Rep. Hawk moved that DP 303 BE ADOPTED.

**Discussion:**

00:13:15 Chairman Hawk  
00:13:21 Sen. Schmidt

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00:13:36 Rep. Hawk  
00:14:46 Rep. Hiner  
00:15:18 Ross Swanson, Deputy Warden, Montana State Prison  
00:25:07 Chairman Hawk  
00:25:13 Rep. Beck  
00:25:50 Warden Swanson  
00:27:05 Rep. Beck  
00:27:27 Warden Swanson  
00:27:51 Rep. Beck  
00:28:09 Warden Swanson  
00:29:58 Rep. Beck  
00:30:20 Chairman Hawk  
00:30:44 Warden Swanson  
00:31:18 Sen. Schmidt  
00:31:23 Rep. Hawk  
00:31:56 Warden Swanson  
00:32:42 Rep. Hawk  
00:32:59 Warden Swanson  
00:33:41 Sen. Schmidt  
00:34:03 David Castle, Sheriff, Cascade County

[EXHIBIT\(jch18a01\)](#)

[EXHIBIT\(jch18a02\)](#)

00:48:53 Chairman Hawk  
00:49:24 Sheriff Castle

[EXHIBIT\(jch18a03\)](#)

[EXHIBIT\(jch18a04\)](#)

[EXHIBIT\(jch18a05\)](#)

[EXHIBIT\(jch18a06\)](#)

00:57:11 Chairman Hawk  
00:57:19 Rep. Beck  
00:57:30 Sheriff Castle  
00:59:29 Rep. Beck  
00:59:36 Sheriff Castle  
01:00:14 Rep. Hiner  
01:00:49 Sheriff Castle  
01:01:52 Rep. Hiner  
01:02:14 Sheriff Castle  
01:03:13 Chairman Hawk  
01:04:04 Sen. Gallus  
01:04:27 Pat Gervais  
01:05:02 Sen. Gallus  
01:05:24 Chairman Hawk

01:06:06 **Substitute Motion:** Sen. Bales made a substitute motion  
to **APPROVE THE RATES.**

**Discussion:**

01:06:23 Pat Gervais  
01:06:48 Sen. Bales  
01:07:21 Pat Gervais  
01:07:54 Sen. Bales  
01:08:12 Pat Gervais  
01:08:53 Sen. Bales  
01:09:12 Pat Gervais  
01:09:33 Sen. Bales  
01:09:44 Pat Gervais  
01:10:14 Warden Swanson  
01:11:11 Sen. Bales  
01:11:56 Pat Gervais  
01:12:54 Sen. Bales  
01:13:10 Chairman Hawk  
01:13:46 Warden Swanson  
01:14:04 Chairman Hawk  
01:14:35 Sen. Bales  
01:14:43 Chairman Hawk  
01:14:46 Rep. Hiner  
01:14:52 Sen. Bales  
01:16:11 Pat Gervais  
01:16:35 Sen. Bales  
01:16:41 Pat Gervais  
01:17:06 Warden Swanson

01:18:00 **Substitute Motion:** Sen. Bales made a substitute motion  
to **APPROVE THE INCREASED RATES FOR 2007 AND TO APPROVE  
A 5% INCREASE FOR 2008 AND A 5% INCREASE FOR 2009  
RESTRICTED**

**Discussion:**

01:18:28 Brent Doig, OBPP  
01:18:58 Sen. Bales  
01:19:39 Pat Gervais  
01:19:58 Sen. Bales  
01:20:21 Pat Gervais  
01:20:32 Sen. Bales

01:20:49 **Vote:** Motion carried unanimously by voice vote.  
Sen. Schmidt voted aye by proxy.

01:20:58 Rep. Hiner  
01:21:36 Chairman Hawk  
01:21:50 Pat Gervais  
01:23:29 Chairman Hawk

01:23:38 Pat Gervais  
01:24:16 Chairman Hawk  
01:24:25 Pat Gervais  
01:25:02 Sen. Gallus  
01:25:30 Mike Ferriter, Department of Corrections (DOC)  
01:26:20 Sen. Gallus  
01:26:50 Rhonda Shafer, DOC  
01:27:22 Pat Gervais  
01:29:05 Chairman Hawk

**EXECUTIVE ACTION ON DP 215**

01:29:24 **Motion/Vote:** Sen. Gallus moved that **DP 215 BE ADOPTED WITH A RATE INCREASE FOR THE TREATMENT CENTERS 80,658 IN FISCAL YEAR 08 AND 161,317 FOR FISCAL YEAR 09.**  
Motion carried unanimously by voice vote. Sen. Schmidt voted aye by proxy.

01:30:43 Break  
01:38:32 Reconvened

01:38:48 Pat Gervais  
01:40:12 Sen. Gallus

**EXECUTIVE ACTION ON DP 201**

01:40:17 **Motion:** Rep. Hawk moved that **DP 201 BE ADOPTED.**

**Discussion:**

01:40:42 Sen. Gallus  
01:40:48 Rep. Hawk

01:40:56 **Vote:** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**EXECUTIVE ACTION ON DP 203**

01:41:13 **Motion:** Rep. Hawk moved that **DP 203 BE ADOPTED.**

**Discussion:**

01:41:25 Rep. Beck  
01:41:31 Rep. Hawk

01:41:45 **Vote:** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**EXECUTIVE ACTION ON DP 204**

01:42:04 **Motion/Vote:** Rep. Hawk moved that **DP 204 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**EXECUTIVE ACTION ON DP 206**

01:42:36 **Motion/Vote:** Rep. Hawk moved that **DP 206 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**EXECUTIVE ACTION ON DP 207**

01:43:31 **Motion/Vote:** Rep. Hawk moved that **DP 207 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**EXECUTIVE ACTION ON DP 202**

01:44:10 **Motion/Vote:** Rep. Hawk moved that **DP 202 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**Discussion:**

01:44:42 Sen. Bales  
01:44:58 Pat Gervais

**EXECUTIVE ACTION ON DP 302**

01:45:33 **Motion/Vote:** Rep. Hawk moved that **DP 302 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

**Discussion:**

01:46:27 Pat Gervais  
01:47:55 Rep. Hiner

01:48:44 Pat Gervais  
01:48:49 Chairman Hawk  
01:49:02 Sen. Bales  
01:49:34 Rep. Hiner  
01:49:37 Rep. Hawk  
01:49:51 Pat Gervais  
01:50:22 Chairman Hawk  
01:50:25 Pat Gervais  
01:50:45 Rep. Hawk  
01:50:51 Pat Gervais  
01:51:11 Warden Swanson  
01:51:59 Rep. Hiner  
01:52:04 Chairman Hawk

**EXECUTIVE ACTION ON EXEMPTION FROM VACANCY SAVINGS**

01:52:10 **Motion:** Rep. Hiner moved an that **ALL TWENTY-FOUR HOUR, SEVEN-DAYS-A-WEEK OPERATIONS BE EXEMPT FROM VACANCY SAVINGS.**

**Discussion:**

01:52:44 Pat Gervais  
01:53:11 Rep. Hiner  
01:53:22 Pat Gervais  
01:53:30 Chairman Hawk  
01:53:37 Rep. Hiner

01:53:47 **Vote:** Motion carried unanimously by voice vote.  
Sen. Schmidt voted aye by proxy.

01:54:13 Sen. Gallus  
01:57:24 Sen. Bales  
02:00:06 Rep. Beck  
02:02:13 Director Ferriter  
02:04:12 Chairman Hawk

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**ADJOURNMENT**

02:04:27 Adjournment

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REP. RAY HAWK, Chairman

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KATIE BUTCHER, Secretary

RH/kb

Additional Exhibits:

**EXHIBIT ([jch18aad.pdf](#))**